

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

ROBERT E. BROWN and,)	
SHIRLEY H. BROWN, h/w,)	C. A. 04-617 SLR
Plaintiffs,)	
v.)	
)	JURY DEMANDED
INTERBAY FUNDING, LLC, and)	
LEGRECA & QUINN REAL ESTATE)	
SERVICES INC.,)	
)	
Defendants.)	

**ANSWER OF LEGRECA & QUINN TO PLAINTIFFS’
MOTION TO COMPEL**

NOW COMES Defendant Lagreca & Quinn Real Estate Services, Inc. (hereinafter “Lagreca & Quinn”) by and through its attorney, in opposition to Plaintiffs’ Motion to Compel. In support of its opposition, the Defendant avers the following:

1. Defendant Lagreca & Quinn was served with Plaintiffs First Set of Interrogatories in December, 2004.
2. Defendant Lagreca & Quinn responded to Plaintiffs’ Interrogatories with objections and answers pursuant to F.R.C.P. 33.
3. Plaintiffs were served with Defendant Lagreca & Quinn’s above-described responses on January 11, 2005. A true and accurate copy of the Answers, including Plaintiffs’ Interrogatories, is attached hereto as Exhibit A and made a part hereof.
4. Defendant Lagreca & Quinn was served with Plaintiffs’ Supplemental Interrogatories in January, 2005.
5. Defendant Lagreca & Quinn responded to Plaintiffs’ Supplemental Interrogatories with objections and answers pursuant to F.R.C.P. 33.

6. Plaintiffs were served with the above-described responses on February 24, 2005. A true and accurate copy of these responses, including Plaintiffs' Interrogatories, is attached hereto as Exhibit B and made a part hereof.

7. A duly authorized representative of Defendant Lagreca & Quinn has verified the answers to Plaintiffs Interrogatories and Supplemental Interrogatories. A true and accurate copy of the Affidavit is attached hereto as Exhibit C and made a part hereof. The executed Affidavit was mailed to Plaintiffs on March 3, 2005.

8. Furthermore, upon receipt of Plaintiffs' first set of Interrogatories, counsel for Defendant Lagreca & Quinn contacted Plaintiff Robert Brown by telephone and suggested that in order for Plaintiffs to obtain the information which they appeared to be seeking, oral deposition would be a better forum for discovery than such inartfully worded written interrogatories as it would allow Plaintiffs to clarify their interrogatories. Plaintiffs refused to notice the deposition of Defendant Lagreca & Quinn.

9. Plaintiffs appear to fail to understand discovery is a means to seek admissible evidence rather than a means by which to litigate the merits of their claim. The Plaintiffs now seek to have this Honorable Court order the defendants to revise their discovery responses to be more in line with the answers Plaintiffs wish to obtain.

10. As the attached discovery indicates, Defendant Lagreca & Quinn has in due diligence made a good faith effort to understand and respond fully and truthfully to each of Plaintiffs' Interrogatories.

WHEREFORE, the Defendant Lagreca & Quinn respectfully requests that this Honorable Court deny Plaintiffs' Motion to Compel.

REGER & RIZZO, LLP

s/s Carol J. Antoff

Carol J. Antoff, Esquire

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**INTERBAY FUNDING, LLC, and
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JURY DEMANDED

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify on this 7th day of March 2005 that true and correct copies of the Defendant Lagreca & Quinn Real Estate Services, Inc. Answer to Plaintiffs Motion to Compel have been served electronically upon the following:

Robert E. Brown and
Shirley H. Brown
1024 Walnut Street
Wilmington, DE 19801
(also by U.S. Mail)

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